



DOCKET NO: 241865US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MOTOSHIGE IGARASHI : EXAMINER: ANDY HUYNH
SERIAL NO: 10/648,223 :
FILED: AUGUST 27, 2003 : GROUP ART UNIT: 2818
FOR: SEMICONDUCTOR DEVICE AND :
METHOD OF MANUFACTURING THE
SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the restriction requirement dated February 19, 2004, Applicant elects, with traverse, Group 1, claims 1-3, drawn to device, classified in class 257, subclass 900 by the Office Action. Applicant reserves the right to file one or more divisional applications directed to the non-elected group.

The restriction requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

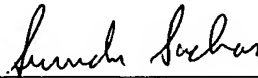
The outstanding Office Action has not indicated it would be a serious burden to examine the entire application, and it appears that the field of search for the various species is overlapping, and that the claims of the present application would have to be searched in only a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a

search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.

Accordingly, examination on the merits of Claims 1-6 is believed to be in order, and an early and favorable action is respectfully requested.

Respectfully submitted,

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